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MAILED

FEB 28 2006

Technology Center 2100

In re Application of:
Prasad RAJE
Application No. 09/669,594
Filed: September 26, 2000
For: METHOD, APPARATUS, AND SYSTEM FOR
AUTOMATED CREATION AND
MAINTENANCE OF PROGRAMS TO
PROCESS INTERNET FORM RELATED
SUBMISSIONS

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the petition filed on December 22, 2003 under 37 CFR § 1.181(a) to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to timely file a response to the Final Office Action mailed May 9, 2003. A Notice of Abandonment was mailed on December 12, 2003.

Petitioner states that an Amendment After Final was in fact timely filed. To support this assertion, petitioner provides a copy of the "Auto-Reply Facsimile Transmission" which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on July 24, 2003. The copy of Facsimile Cover Sheet did list (1) Amendment After Final and (2) Certificate of Facsimile. Petitioner also provides copy of the Amendment After Final.

The original Amendment After Final, acknowledged as having been received in the USPTO on July 23, 2003, is not of record in the application.

The copy of the original Amendment After Final is considered timely and would be a proper response if it placed the application in condition for allowance. However, such is not the case. The amendment does not place the application in condition for allowance. A proper response to a final rejection is one which places the application in condition for allowance. A Notice of Appeal, filed within the period for response is also considered a proper response. Unfortunately, neither of the above two mentioned conditions are present in this case. It is incumbent upon applicant to properly respond to a final Office action. Risk of abandonment is always present when amendments are filed after final action without adequate follow-up, e.g. filing a Notice of Appeal, telephoning the Examiner, etc. The latter would not prevent abandonment but would provide applicant with the necessary information to undertake appropriate action. The delay in considering the Amendment After Final and this petition is regretted, but does not alleviate applicant's responsibility to respond within the statutory period.

In view of the above stated reasons, the Notice of Abandonment is not vacated. The application remains abandoned in fact.

The petition is **DENIED**.

The application file is being forwarded to the Office of Petitions for treatment of the petition under 37 C.F.R. 1.137.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Paul Sewell, Acting Director
Technology Center 2100
Computer Architecture, Software, and
Information Security

Attachment: Advisory Action

Advisory Action

Application No.

09/669,594

Applicant(s)

RAJE, PRASAD

Examiner

William L. Bashore

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12/22/2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 126-142.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


STEPHEN S. HONG
PRIMARY EXAMINER

Continuation of 2. NOTE:

Applicant's proposed amendment replacing "periodically" with "automatically", significantly changes the scope of the claimed invention when interpreted as a whole, therefore, said amendment would require further search and/or consideration..

Continuation of 5. does NOT place the application in condition for allowance because:

Holt's "Form Control Procedure" (FCP) implements user defined processing of forms (Holt column 2 lines 45-53). Since input form behaviors are generally implemented by code instructions, user customization results in automatic customization of the code constructs so as to carry out the user's alterations

The input fields of Holt's finalized form (Figure 3) are graphical, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use said graphical depiction in the development mode (for specifying said field behavior), providing Holt th benefit of graphical depictions for previewing forms (during development).

See also Final Office Action.